

DOCUMENT RESUME

08102 - [C3348423]

[Adjudication of Case Precluded Protest Consideration].
B-192870. November 22, 1978. 1 pp.

Decision re: Moore Services, Inc.; by Milton J. Socclar, General Counsel.

Contact: Office of the General Counsel; Procurement Law 1.
Organization Concerned: Department of the Army; Field's
Contracting Service, Inc.
Authority: B-191344 (1978).

The incumbent contractor protested a contract award and also sued in court for injunctive and declaratory relief against implementation of the contract. The district court's dismissal of the suit and the granting of summary judgment to the defendants constituted adjudication on the merits and precluded GAO consideration of the protest. (HTW)

DECISION

A. K. Korman
THE COMPTROLLER GENERAL
OF THE UNITED STATES

WASHINGTON, D. C. 20548

8423

FILE: B-192870

DATE: November 22, 1978

MATTER OF Moore Service, Inc.

DIGEST

District court's dismissal of suit for injunctive and declaratory relief and granting summary judgment to defendants constitutes adjudication on merits precluding GAO consideration of protest.

On May 4, 1978, the Department of the Army (Army) issued invitation for bids (IFB) No. DAKF49-78-B-0059 for the procurement of refuse collection and related services at Fort Sam Houston. Bids were opened June 19, 1978. Fields Contracting Service, Inc. (Fields), was determined to be the low bidder and the Army subsequently awarded Fields the contract.

Moore Service, Inc. (Moore), the incumbent contractor, filed a protest with our Office. Moore also sued in the District Court for the District of Columbia (Civil Action No. 78-1742) for injunctive and declaratory relief against the implementation of the contract.

At the request of the court, both parties filed for summary judgment. The court denied Moore's request for relief and entered summary judgment for the defendants.

The court's dismissal of Moore's suit for injunctive and declaratory relief in the circumstances is a final adjudication on the merits which precludes GAO consideration of Moore's protest. Juno Construction Corporation et al., B-191344, September 18, 1978, 78-2 CPD 204.

Accordingly, the protest is dismissed.

Milton J. Secplar

Milton J. Secplar
General Counsel